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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,050	10/28/2003	Lixiao Wang	12013/47901	3869
23838	7590	02/07/2006	EXAMINER	
KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON, DC 20005			HEINRICH, SAMUEL M	
			ART UNIT	PAPER NUMBER
			1725	

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/694,050	Applicant(s) WANG ET AL.	
	Examiner Samuel M. Heinrich	Art Unit 1725	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-7 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,355,401 to Graves et al in view of either USPN 5,421,955 to Lau et al or in view of USPN 5,902,475 to Trozera et al. Graves et al describe selective coating removal methods comprising the use of a laser and comprising the workpiece such as a stent (column 6, first paragraph). Graves does not describe rotating during ablation. Both Lau et al and Trozera et al describe rotation of the work during stent coating removal. The use of a rotating mandrel for supporting the stent during laser ablation would have been obvious at the time applicant's invention was made to a person having

ordinary skill in the art because the rotation will improve work manipulation and will improve work speed. The choice of a suitable amount of light energy for ablation is inherent in Graves. The use of a controller for workpiece and tool control is well known in the art and is shown, for example, by Lau et al (Front Page). With respect to the instant claimed shapes of removed coating material, finishing the workpiece to prescribed shapes would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because the prior art describes well known removal of portions of coating material and because the laser tooling is easily controllable for highly accurate material removal.

Claims 8 and 13-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,355,401 to Graves et al in view of either USPN 5,421,955 to Lau et al or in view of USPN 5,902,475 to Trozera et al, as applied to claims 1-7 and 10-12 above, and further in view of USPN 6,763,132 to Freifeld. Selective coating removal from a portion of a stent is described above. Pattern recognition systems are well known in the art. Freifeld describes well known pattern recognition and intelligent tools for inspection and measuring of stents and other components. The use of a pattern recognition system in a method or apparatus for manufacturing stents would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because the pattern recognition system improves process speed. With respect to the apparatus claims which comprise method and/or workpiece limitations, neither the intended use of an apparatus nor the workpiece used in an apparatus impart patentability to the apparatus structure.

### ***Response to Arguments***

Applicant's arguments filed November 22, 2005 have been fully considered but they are not persuasive. Applicant argues that none of the references suggest "determining an amount of therapeutic coating on the medical device". This argument is not persuasive. The base reference to Graves et al describes (Abstract) "removing electrically insulative coating material from a portion of the titanium housing". Some idea in a determining of an amount is inherent in the "removing... from a portion". Identifying the portion as a "target amount" is not different from having an 'idea of which portion is to be removed'.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Weissman et al describes pattern recognition and stents.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel M. Heinrich whose telephone number is 571-272-1175. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, P. Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Samuel M Heinrich  
Primary Examiner  
Art Unit 1725

SMH